

Exhibit D

1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

3

4 OVERTURE SERVICES, INC., a)

Delaware Corporation,)

5)

Plaintiff,)

6) Case No. C 02-01991

-vs-) CERTIFIED COPY

7)

GOOGLE, INC., a California)

8 Corporation,)

9)

Defendant.)

10

11 Videotaped deposition of JAMES P. NAUGHTON,
12 ESQ., taken before MARGARET A. BACHNER, CSR, RMR, CRR,
13 and Notary Public, pursuant to the Federal Rules of Civil
14 Procedure for the United States District Courts
15 pertaining to the taking of depositions, at Suite 3600B,
16 NBC Tower, 455 North Cityfront Plaza Drive, Chicago,
17 Illinois, on the 15th day of April, A.D. 2004, at 8:38
18 a.m.

19

20 There were present at the taking of this
21 deposition the following counsel:

22

23

24

1

JAMES P. NAUGHTON

1 THE VIDEOGRAPHER: Good morning. Here begins
2 videotape number 1 in the deposition of James P. Naughton
3 in the matter of Overture Services, Incorporated versus
4 Google, Incorporated, in the United States District
5 Court, Northern District of California, San Francisco
6 Division, Case Number C 02-01991 JSW.

7 Today's date is April 15th, 2004. The time on
8 the video monitor is 8:39 a.m. The video operator today
9 is Tim Tupiak, contracted by LegalLink Video Solutions,
10 San Francisco, California. This video deposition is
11 taking place at 455 North Cityfront Plaza, Suite 3600,
12 Chicago, Illinois.

13 Will counsel please identify themselves for
14 the record and state whom you represent starting with the
15 noticing party?

16 MS. DURIE: Daralyn Durie from Keker & Van Nest for
17 Google.

18 MS. THAYER: Patricia Thayer from Heller, Ehrman
19 representing Overture Services and the witness.

20 MR. BERENZWEIG: Jack Berenzweig from Brinks, Hofer
21 representing Overture Services and the witness.

22 THE VIDEOGRAPHER: The court reporter today is Margo
23 Bachner of LegalLink, Chicago. Would the reporter swear
24 in the witness, please?

3 Witness my official signature and seal as

4 Notary Public in and for DuPage County, Illinois, on this
5 19th day of April, A.D. 2004.

6

7

8

8

Margaret A. Bachner, CSR, RMR, CRR
Illinois CSR No. 84-1481
230 West Monroe Street
Suite 1500
Chicago, Illinois 60606
Phone: (312) 263-3524



5

6

- 7

8

8

30

1